IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

Civil Revision Application No. 114 of 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. C.S. Kaptan, Advocate for the applicant.
Mr. J.B. Kasat, Advocate for Respondent Nos. 2 and 3.

CORAM : A.H. JOSHI, J.

DATED : 15th November, 2006.

1. Heard respective Advocates.

2. This is unsuccessful defendant's appeal, since the sale-deed, on the basis of which the defendant had derived the title, was showing unpaid balance of Rs.9,000-00. This being so, the Courts had put burden of proving the payment on the defendant.

3. It has come on record that the defendant's witness no.1 had no knowledge of facts and the case, so the case of defendant's witness no.3. Sole testimony of defendant's witness no.2 was not believed by the Trial Court.

4. The question that, therefore, falls for consideration in this revision

application is whether the Judgment of Appellate Court calls for interference, where the Court refused to believe said sole witness.

5. This is a matter of inviting re-appreciation of evidence. This is not permissible in Revision Application.

6. Findings and conclusions are not shown to be perverse or illegal. Revision Application has no merit. It is, therefore, dismissed.

Judge